

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Services – Agricultural and Cooperation Department – Allegation of corruption against Sri B. Sai Srinivas, Agricultural Officer, formerly Thondangi Mandal, East Godavari District – Trapped by ACB – Placed the Accused Officer on defence before T.D.P. – T.D.P. Report submitted – Penalty imposed – Review petition – Rejected - Orders – Issued.

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**AGRICULTURE AND COOPERATION (Vig.I) DEPARTMENT**

**G.O.Rt.No. 911**

**Dated: 25-07-2008.**

Read the following:-

1. From the D.G., A.C.B., Hyd., Lr.No.38/RCT-REG/2003, dt. 10-6-03.
2. From the D.G., A.C.B., Hyd., Lr.No.38/RCT-REG/2003, dt. 08-07-03.
3. Govt. Letter No.2806/Vig.I/2003-2, Dt.18-9-2003.
4. From the Secy. T.D.P., Hyd. Lr.Ref.No.111/2003, dated 17-11-2003
5. From the Secretary, TDP, Hyd. Lr.D.No.S16/2006, Dt. 25-3-2006.
6. Govt. Memo No.2806/Vig.I/1/2003-4, dt. 3-7-2006.
7. Representation from Sri B. Sai Srinivas, Agril. Officer, dt.29-7-2006.
8. G.O.Rt.No.1013, Agrl. & Coopn. (Vig.I) Dept., dated 5-10-2006.
9. Review petition from Sri B.Sai Srinivas, A.O. dated nil.

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**ORDER:**

In the reference 3<sup>rd</sup> read above, Sri B. Sai Srinivas, Agricultural Officer, formerly Thondangi Mandal, East Godavari District was placed on his defence before the Tribunal for Disciplinary Proceedings under rule 4(3) of A.P.C.S.(DPT) Rules, 1989 on the allegation of demand and acceptance of bribe held substantiated against him. The following articles of charge was framed against him.

**Articles of Charge:** “That Sri Bulusu Sai Srinivas, S/o B.S. Prakasah Rao, Agril. Officer, Thondangi Mandal, E.G. Dist. were actuated by corrupt motive and in abuse of your official position demanded and accepted bribe of Rs.1,500/- on 17-2-2003 from the complainant Sri Kedarisetti Narasimha Murthy, S/o Subba Rao, Pydikonda Village, Thondangi Mandal, E.G.Dist. to show official favour of forwarding the pesticide license for renewal to the JDA, Kakinada and to see that the same is renewed, that you, thereby guilty of misconduct within the meaning of the Rule 2(b) of APCS (Disciplinary Proceedings Tribunal) Rules, 1989 framed under the APCS (DPT) Act, 1960 as amended in 1993.”

2. The Tribunal for Disciplinary Proceedings conducted the regular inquiry and furnished the inquiry report in T.E.C.No.6/2004, in its report among other things it has held that the prosecution has established the recovery aspect i.e. receiving the amount the charged officer while official work pending with him but failed to establish taking of amount as a bribe and that the charged officer is liable for imposition of punishment under Rule 9 (vi) of with holding (3) increments of pay with cumulative effect. Inquiry report of the Tribunal for Disciplinary Proceedings was communicated to the charged officer and directed him to submit his representation if any on the findings of the Tribunal for Disciplinary Proceedings. Sri B. Sai Srinivas, Agricultural Officer in his representation has submitted that the complainant suddenly came and thrusts some currency notes in to his shirt pocket which he involuntarily obstructed with his right hand besides calling the complainant who was going out hurriedly without hearing; in the meanwhile the Anti-Corruption Bureau officials came and upper handed him and that in fact there was no much time to take out money from his pocket and throw it out on the floor since the same was also not struck to his mind. The Charged Officer has therefore requested to consider his representation and drop further action against him.

3. Government after careful examination of the representation of the petitioner, keeping in view the report of the Tribunal for Disciplinary Proceedings and material on

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record, imposed the penalty of stoppage of one increment without cumulative effect against Sri B. Sai Srinivas, Agricultural Officer, formerly Thondangi Mandal, East Godavari District for the charge partly held proved against him in the reference 8<sup>th</sup> read above

4. Aggrieved by the above orders of penalty imposed against him Sri B. Sai Srinivas, Agril. Officer has filed review petition before Government. He contended that according to the Tribunal for Disciplinary Proceedings report it was very clear that the prosecution failed to prove the demand and acceptance of bribe of Rs.1,500/- that the Hon'ble Tribunal for Disciplinary Proceedings gave a finding that immediately after thrusting the tainted amount in to his shirt pocket, he did not remove the same from his pocket and throw it out and hence the Hon'ble Tribunal for Disciplinary Proceedings held the receipt of the money from PW1 by him was proved and therefore charge was proved in part. The C.O. has further stated that in fact there was no much time to take out money from his pocket and throw it out on the floor since the same was also not struck to his mind and therefore the finding of Hon'ble Tribunal for Disciplinary Proceedings that the charge was proved in part against him for the simple reason that he had not removed the tainted amount from his shirt pocket and throw it on the floor was absolutely false and baseless and against to the principles of natural justice, fair play and equity. On other hand it may be said that the said finding given by the Tribunal for Disciplinary Proceedings was totally perverse, one sided and much biased. The C.O. has therefore requested to consider his review petition and order for cancellation of punishment of stoppage of one increment without cumulative effect duly treating the period of suspension from 17-2-2003 to 7-7-2005 as on duty, to enable him to submit probation declaration proposals for drawing annual grade increments.

5. Government have carefully examined the review petition of the Subject Officer with reference to the Inquiry report of the Tribunal for Disciplinary Proceedings and records available and observes that after careful consideration of the case only the petitioner was imposed with a minor penalty of stoppage of one increment without cumulative effect. Government further observes that according to Rule 41 of the Andhra Pradesh Civil Service (CC&A) Rules, 1991 Government may exercise the power of review any order passed under these rules only on the reference made by the Head of the Department when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come or has been brought to its notice. In this case no new material was produced, nor head of the department referred the matter to Government for review of the orders. Hence Government considers not interfering on behalf of the petitioner and decided to reject the review petition submitted by Sri B.Sai Srinivas, A.O.

6. Accordingly, Government hereby reject the Review petition of Sri B. Sai Srinivas, Agricultural Officer. Regarding treating the suspension period from 17-2-2003 to 7-7-2005 orders will be issued separately. The Commissioner & Director of Agriculture, Hyderabad is requested to take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**C.R. BISWAL  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri B. Sai Srinivas, Agricultural Officer, formerly Thondangi Mandal,  
East Godavari District (through C&DA., A.P. Hyderabad.)  
The Commissioner & Director of Agriculture, Hyderabad.

Copy to:

The A.P.V.C., Hyderabad.  
The DG, ACB, Hyderabad.  
Sf/Sc.

// FORWARDED BY ORDER //

**SECTION OFFICER**